

## REMARKS

Claims 1-25 were examined and reported in the Office Action. Claims 22-23 are amended. Claims 1-25 are rejected. Claims 1-25 remain.

Applicant requests reconsideration of the application in view of the following remarks.

### **I. Claim Objections**

It is asserted in the Office Action that claim 23 is objected to because of informalities. Applicant has amended claim 23 to overcome the claim objection. Applicant also notes that claim 22 is amended similarly to claim 23 to avoid a future informal objection.

Accordingly, withdrawal of the claim objection for claim 22 is respectfully requested.

### **II. 35 U.S.C. § 102(b)**

It is asserted in the Office Action that claims 1, 2, 5, 6, 11, 12, 14, 19, 21 and 23 are rejected under 35 U.S.C. § 102(b), as being unpatentable by U. S. Patent No. 5,594,779 issued to Goodman ("Goodman"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 14 contains the limitations of

[s]ystem for downloading multimedia content to a terminal (50; 60, 70), characterized in that the downloading is carried out via a mobile telephony network (10), the said terminal (50; 60, 70) being able to be connected to the mobile telephony network (10), the said system comprising a voice recognition device (40), a database (30) connected to the network (10) and containing multimedia files, the terminal (50; 60, 70) being able to transmit a voice request emanating from the user to the voice recognition device (40) and the voice recognition device (40) is able to interpret the request that it receives and to return to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more file(s) contained in the database (30), the terminal being able to return a prompt selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Applicant's claim 11 contains the limitations of

[p]rocess for downloading multimedia content to a terminal (50; 60, 70), characterized in that the downloading is carried out via a mobile telephony network (10), the said terminal being able to be connected to the mobile telephony network (10), said process comprising the steps according to which: a user transmits a signal corresponding to a verbal request to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) processes the signal and returns to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more multimedia file(s) contained in a database (30) connected to the network (10), the user selects the prompt corresponding to the verbal request, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Applicant's claimed invention solves the technical problem of incorrect interpretation of a vocal request by a voice recognition device to avoid any futile downloading. In other words, in Applicant's downloading process, the user's verbal request is interpreted by the voice recognition device. At this stage, one or more files are identified, which could correspond to the user's request. The voice recognition device returns to the terminal one or more interpretation prompts

(i.e. proposals) designating the one or more files that have been identified as possible interpretations of the user's request. The user then selects one prompt to download the file that corresponds to the selected prompt. This process is advantageous to the prior art in that the user can verify that his request has been correctly interpreted by the voice recognition device. It is only after such verification is made that the user confirms the downloading of a file (See Applicant's specification, page 3, lines 4-7).

That is, Applicant's claim 1 includes the limitations of a "voice recognition device able to interpret the [voice] request that it receives [from the terminal] and to return to the terminal one or more interpretation prompt(s) designating one or more file(s)". Similarly, Applicant's claim 11 contains the limitations of "*the voice recognition device processes the signal [corresponding to the voice request] and returns to the terminal one or more interpretation prompt(s) designating one or more file(s).*" The user can then select, among the prompts/proposals returned by the voice recognition device: "*the prompt corresponding to the verbal request, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database to the terminal via the mobile telephony network*".

Goodman relates to a MAPOD (Mobile Audio Programming Device) terminal that can communicate over a cellular path with a SR/SAR. (Speech Recognition/Synthesized Audio Response) unit. Using his MAPOD device, a user can ask for programming delivery over the cellular path. More particularly, the user formulates a verbal request ("*the user makes a selection by speaking the desired item*"; see Goodman, column 14, lines 43-44). The SR/SAR unit interprets the verbal request, and the requested programming is then provided to the user (see Goodman, column 14, lines 47-50: when a selection is made, the server is asked to provide the requested programming). Therefore, in Goodman the voice recognition device (SR/SAR unit) processes the verbal request and returns to the terminal the multimedia file (interpreted as) corresponding to the verbal request. In other words, once a selection is made, the selection is provided to the user ("*Once an application is selected, it is provided over the same call path*"; Goodman, column 14, lines 18-19).

Goodman, however, does not teach, disclose or suggest that the voice recognition device (SR/SAR unit) returns to the terminal (MAPOD device) different proposals ("interpretation prompts") for multimedia files, which could correspond to the user's verbal request. A fortiori, Goodman does not teach, disclose or suggest that the user selects, among different proposals returned by the voice recognition device, a specific proposal (the one corresponding to his request).

Further, Goodman does not teach, disclose or suggest the two-step process of Applicant's claimed invention where:

- the user can verify that his request has been correctly interpreted by the voice recognition device;
- and, only after such verification is made, the user can confirm the downloading of a file.

Thus, Goodman does not teach, disclose or suggest Applicant's claim 1 limitations of

the voice recognition device (40) is able to interpret the request that it receives and to return to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more file(s) contained in the database (30), the terminal being able to return a prompt selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10),

nor Applicant's claim 11 limitations of

a user transmits a signal corresponding to a verbal request to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) processes the signal and returns to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more multimedia file(s) contained in a database (30) connected to the network (10), the user selects the prompt corresponding to the verbal request, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Therefore, since Goodman does not teach, disclose or suggest all of Applicant's claims 1 and 11 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Goodman. Thus, Applicant's claims 1 and 11 are not anticipated by Goodman. Additionally, the claims that directly or indirectly depend on claims 1 and 11, namely claims 2, 5 and 6, and 12, 14, 19, 21 and 23, respectively, are also not anticipated by Goodman for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1, 2, 5, 6, 11, 12, 14, 19, 21 and 23 are respectfully requested.

## II. 35 U.S.C. § 103

A. It is asserted in the Office Action that claims 3, 4, 7, 8, 13, 15-18, 20, 22 and 25 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman and further in view of U.S. Patent No. 6,965,770 issued to Walsh et al. ("Walsh"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2142

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 3, 4, 7 and 8 depend on claim 1. Applicant's claims 13, 15-18, 20, 22 and 25 depend on claim 11. Applicant has addressed Goodman regarding claims 1 and 11 above in section I.

Walsh relates to a downloading process that starts by a playlist (*list of selectable content items*) being sent from a content server to a user (see Walsh column 2, lines 19-20; column 2, lines 30-31; column 2, lines 41-42; column 2, lines 53-55; and column 5, lines 79). The user then makes a selection for an item within the playlist that has been received. The selection can be made by voice, thanks to a speech recognition engine.

Walsh does not address the problem of misinterpretation of the vocal request. On the contrary, Walsh considers that the speech recognition engine performs accurate translation of the vocal request into text and/or data, and that the dynamic content delivery server (DCDS) (comprising the database where the selectable items are stored) receives a database query corresponding accurately to the verbal request (see Walsh, column 14, lines 10-39). Walsh then asserts that a database query may produce one or more matches from the database (see Walsh, column 16, lines 49-52; for instance a query "Elvis" returns the different songs from Elvis in the playlist initially sent to the user, e.g. "Jailhouse Rock" and "Love Me Tender"). These different matches may be returned to the user. Walsh, however, does not allow the user to verify that the voice recognition device has accurately interpreted his vocal request. In particular, Walsh does not propose that different interpretations of the vocal request are returned to the user for verification.

In other words, Walsh does not allow verifying that the voice recognition device has performed a correct translation of the verbal request, so that the database query is performed with an accurate translation of the verbal request. Distinguishable, Applicant's claimed invention provides for such a verification (for instance the user has asked for the song "Love me tender", and can verify that this vocal request is correctly interpreted by the voice recognition device. Therefore, with Applicant's claimed invention, the database query will not be performed with

an incorrect request designating other songs in the playlist such as "Lock me tender" or "Love me tenderer").

Therefore, if Goodman was combined with Walsh, the combination would still not teach, disclose or suggest Applicant's claim 1 limitations of

the voice recognition device (40) is able to interpret the request that it receives and to return to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more file(s) contained in the database (30), the terminal being able to return a prompt selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10),

nor Applicant's claim 11 limitations of

a user transmits a signal corresponding to a verbal request to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) processes the signal and returns to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more multimedia file(s) contained in a database (30) connected to the network (10), the user selects the prompt corresponding to the verbal request, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claims 1 and 11, Applicant's claims 1 and 11 are not obvious over Goodman in further view of Walsh since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claims 1 and 11, namely claims 3, 4, 7 and 8, and 13, 15-18, 20, 22 and 25, respectively, would also not be obvious over Goodman in further view of Walsh for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 3, 4, 7, 8, 13, 15,-18, 20, 22 and 25 are respectfully requested.

**B.** It is asserted in the Office Action that claims 9-10 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view Walsh and further in view of U. S. Patent No. 5,594,779 issued to Pyhälammi ("Pyhälammi"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claims 9-10 depend on claim 1. Applicant has addressed Goodman in view of Walsh above in section II(A).

Pyhälammi discloses a mobile content delivery system that optimizes the delivery of bandwidth-consuming content over a cellular network. Pyhälammi does not use a voice recognition device, and thus does not address the problem of possible mistranslation of a verbal request by a voice recognition device.

That is, even if Goodman and Walsh were combined with Pyhälammi, the combination would still not teach, disclose or suggest Applicant's claim 1 limitations of

the voice recognition device (40) is able to interpret the request that it receives and to return to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more file(s) contained in the database (30), the terminal being able to return a prompt selected by the user, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Pyhälammi, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 1, Applicant's claim 1 is not obvious over Goodman in view of Walsh and further in view of Pyhälammi since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claim 1, namely claims 9-10, would also not be obvious over Goodman in view of Walsh and further in view of Pyhälammi for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 9-10 are respectfully requested.



C. It is asserted in the Office Action that claim 24 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view of Walsh and further in view of U. S. Patent No. 6,345,250 issued to Martin ("Martin"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claim 24 indirectly depends on claim 11. Applicant has addressed Goodman in view of Walsh above in section II(A).

Martin discloses an interactive voice response application on a computer telephony system that uses voice prompts from a mixed set of pre-recorded voice prompts and voice prompts synthesized from a text-to-speech process. Martin does not relate to the downloading of multimedia files over a mobile telephony network.

That is, even if Goodman and Walsh were combined with Martin, the combination would still not teach, disclose or suggest Applicant's claim 11 limitations of

a user transmits a signal corresponding to a verbal request to a voice recognition device (40) from a terminal (50; 60, 70) via the mobile telephony network (10), the voice recognition device (40) processes the signal and returns to the terminal (50; 60, 70) one or more interpretation prompt(s) designating one or more multimedia file(s) contained in a database (30) connected to the network (10), the user selects the prompt corresponding to the verbal request, thereby bringing about the downloading of a multimedia file corresponding to the prompt selected from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Martin, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 11, Applicant's claim 11 is not obvious over Goodman in view of Walsh and further in view of Martin since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from claim 11, namely claim 24, would also not be obvious over Goodman in view of Walsh and further in view of Martin for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claim 24 is respectfully requested.

**CONCLUSION**

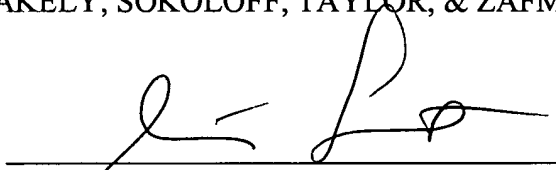
In view of the foregoing, it is submitted that claims 1-25 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: August 4, 2006

By:   
Steven Laut, Reg. No. 47,736

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

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Jean Svoboda